**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION.**

NOTICE OF MOTION NO. 3206 OF 2004.
IN
SUIT NO.3104 OF 2004.

N.K.V. Krishna .. Plaintiff.
vs.
M/s Living Media India Lrd. .. Defendants.

Mr. Mihir Deshmukh o/b Khaitan & Jaykar for the plaintiff.

Mr. Hemant Sethi for Defendant Nos. 1 to 5.

**CORAM : V.C.DAGA, J.**

**DATED : 15.2..2006.**

**P.C. :**
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. The Division Bench of this Court had passed order dated 31.1.2005 in Appeal No. 803 of 2004,the operative portion of which reads as under:

> . "... Be that as it may, we have gone through the entire record of the case including the impugned articles and we are satisfied that the statements made in the article are bonafide and are in public interest and this is not a fit case for grant of interlocutory injunction at the interim stage. We, therefore, dismiss the appeal."

. In absence of challenge to the above order the same has become final and conclusive. Nothing remains for adjudication. The cause of action to proceed with the motion does not survive. Notice of Motion accordingly stands dismissed for want of cause of action with no order as to costs.